IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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WEDNESDAY, THE TENTH DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WRIT PETITION No.17626 OF 2005

Between:

Y.Neeraja … Petitioner

Versus

The District Collector-cum-Special Officer,

Nalgonda Municipality,

Nalgonda & Ors. … Respondents

Counsel for the Petitioner : Mr.P.Pratap Reddy

Counsel for the Respondents 1 to 3 : Mr.P.Radjakrishna

O R D E R :

This writ petition is filed against the notice dated 29-7-2005 in Lr.No.G1/248/2004 passed by the Commissioner, Nalgonda Municipality rejecting the explanation submitted by the petitioner, to the show cause notice in Proceedings UC.No.30/UC/2005, dated 03-6-2005 and 13-06-2005 issued under section 228 (ii) and (iii) of A.P.Municipalities Act, 1965 seeking to declare the action of the respondents 2 and 3 in demolishing the structures raised by the petitioner in the house plot in an extent of 468 sq.yards bearing H.No.5-1148, situate at

Shanthinagar, Manyam Chelka, Nalongda district, as arbitrary, illegal and violation of the principles of natural justice and consequently direct the respondents 2 and 3 not to demolish any structures.

As the petitioner has rightly approached the appellate authority against the order passed by the second respondent-Commissioner, Nalgonda Municipality to the first respondent-Special Officer on 03-8-2005 but the petitioner without giving breathing time to verify the appeal, straightaway approached this court and filed this writ petition, apprehending that there is every likelihood of demolition of the alleged unauthorized structures raised by the petitioner in contravention with the sanctioned plan.

Considering the facts and circumstances, it is too early to direct the first respondent to consider his appeal, as it was filed only on 03-8-2005. However, in the circumstances, the first respondent is directed to consider and dispose of the appeal filed by the petitioner and pass appropriate orders on merits and in accordance with law within three months from the date of receipt of a copy of this order. Till such time, the respondents are directed not to take any coercive steps of demolition pursuant to the final order. It is also made clear that the petitioner hereafter shall not make any further deviations.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

AUGUST 10th, 2005. ----------

I s L. ELIPE DHARMA RAO , J.